

**REMARKS****Overview**

Claims 22-25 and 32-37 are pending in this application. This amendment is filed in conjunction with a Request for Continued Examination (RCE). A declaration substantiating arguments previously made is also provided. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

**Issues Under 35 U.S.C. § 103**

Claims 22-25 and 32-37 have been rejected under 35 U.S.C. § 103 as being unpatentable over GB 2242203. These rejections are respectfully traversed. The Examiner recognizes that GB 2242203 does not disclose using Ni powder as a starting material and heating the Ni -Pt alloy in N-1%H<sub>2</sub> atmosphere, and the product having an oxidation resistance property above 500° C. Therefore, it is respectfully submitted that these rejections must be withdrawn.

First, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness. The Examiner has not shown that the product produced by GB 2242203 is identical or substantially identical because GB 2242203 does not specify the oxidation resistance property and such oxidation resistant property is not inherently present. Moreover, the Declaration of Vito A. Coppola confirms that given the different reactants and process of GB 2242203, the product produced by GB 2242203 is not the same as what is claimed.

The oxidation resistance property is not merely an insignificant property, but rather is at the heart of the invention. Moreover, as the Examiner appears to understand, all mixtures of 90% Nickel and 10% Platinum or 95% Nickel and 5% Platinum are not going to have the

oxidation resistance property of the present invention. Thus, even though GB 2242203 discloses a 95% Nickel, 5% Platinum alloy, this is insufficient to show an alloy having the claimed characteristic. Thus, the Examiner has failed to make a *prima facie* case of obviousness and this rejection must be withdrawn. Moreover, because not all mixtures of Platinum and Nickel will not have the required oxidation resistance properties, there is more than an insignificant difference between the composition of GB 2242203 and the claimed invention.

GB 2242203 does not disclose the oxidation resistance property of the present invention as claimed. Moreover, the oxidation resistance property of the present invention is not necessarily present in the composition disclosed in GB 2242203. As the oxidation resistance property is not necessarily present, it is not inherently present and these rejections must be withdrawn. To further evidence that the oxidation resistance property is not necessarily present, the Examiner is directed to the Declaration of Vito A. Coppola.

In order to achieve the oxidation resistance of the present invention, it is believed that instead of forming a homogenous alloy, the Pt forms an "eggshell" structure around the Ni particles, the "shell" composed of a Pt rich alloy and the interior of the egg composed of a Ni rich alloy. This structure allows Ni to be protected against oxidation with a minimum quantity of Pt. This eggshell structure of the present invention is formed in part due to the presence of the Nickel powder with the Pt resinate. GB 2242203, on the other hand, forms the Pt/Ni alloy from resins, that is, solutions containing Pt and Ni ions. As the Pt and Ni are already intimately mixed before the mixture is heated one would expect the Ni resinate/Pt resinate mixture to produce a more homogenous alloy than in the present invention. A homogenous alloy with 10% or less Pt would not be expected to produce the oxidation resistance of the present invention.

Thus, the difference in the form of the reactants and the difference in the process result in a different product. The difference in reactants (Nickel powder versus Nickel resinate), as used here and in the steps performed results in a different structure than a homogeneous alloy. Thus, not only does GB 2242203 not disclose the oxidation resistance property of the present invention, GB 2242203 does not disclose a process that would necessarily lead to a product with the lack of homogeneity of the claimed invention as GB 2242203 does not use a Nickel powder or an identical process. Thus, the prior art, by using a different process and a different form of Nickel reactant, does not necessarily or inherently possess the characteristics attributed to the claimed product. In particular, GB 2242203 does not disclose a material that lacks homogeneity in the manner that the present invention does and therefore does not disclose a material that possesses the claimed oxidation resistance of the present invention. Therefore, these rejections must all be withdrawn and the Examiner should find all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

### Conclusion

Applicant is a large entity; therefore, please charge Deposit Account 26-0084 the amount of \$790.00 to cover the costs associated with the filing of this RCE. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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